

Message Text

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E.O. 11652: GDS

TAGS: MPOL, NATO

SUBJECT: RESPONSE TO QUESTIONS ON US POLICIES ON CHEMICAL
AND BIOLOGICAL WEAPONS RAISED IN THE DEFENSE PLANNING
COMMITTEE MEETING ON EXERCISE WINTEX 75

HOLD FOR OPENING OF BUSINESS

REF: USNATO 1306

THERE FOLLOW ANSWERS TO QUESTIONS RAISED REFTEL ON
US POLICY ON CHEMICAL AND BIOLOGICAL WARFARE FOR
YOUR USE IN WINTEX 75 DPC MEETINGS:

A. THE US HAS LIMITED RETALIATORY STOCKS IN WEST
GERMANY.

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B. NONE.

C. IN DECEMBER THE SENATE GAVE ITS ADVICE AND CONSENT TO RATIFICATION OF THE 1925 GENEVA PROTOCOL. THIS TREATY WAS RATIFIED BY THE PRESIDENT ON JANUARY 22 AND WILL ENTER INTO FORCE FOR THE US WHEN THE INSTRUMENT OF RATIFICATION IS DEPOSITED WITH THE FRENCH GOVERNMENT IN THE NEAR FUTURE. IN EFFECT THE PROTOCOL PROHIBITS THE FIRST USE IN WAR OF CHEMICAL AND BIOLOGICAL WEAPONS.

EVEN IN THE ABSENCE OF A TREATY OBLIGATION, US NATIONAL POLICY NOW PROHIBITS FIRST USE OF CHEMICAL WEAPONS AND ANY USE OF BIOLOGICAL WEAPONS.

D. THE BIOLOGICAL WEAPONS CONVENTION OF 1972, WHICH THE US HAS RATIFIED, PROHIBITS DEVELOPMENT, PRODUCTION AND STOCKPILING OF BIOLOGICAL AND TOXIN AGENTS AND WEAPONS. ALTHOUGH THE CONVENTION HAS NOT YET ENTERED INTO FORCE, THESE ACTIONS ARE ALREADY PROHIBITED BY US NATIONAL POLICY. THE US HAS DESTROYED ALL ITS STOCKS OF BIOLOGICAL AND TOXIN WEAPONS. THERE ARE NO ANALOGOUS TREATY RESTRICTIONS ON CHEMICAL WEAPONS.

E. TRANSPORTATION, TESTING, DISPOSAL, AND DEPLOYMENT OF CHEMICAL AGENTS ARE RESTRICTED BY STATUTE. CONGRESS MUST BE NOTIFIED OF ANY PROPOSED TRANSPORTATION, OPEN AIR TESTING, DISPOSAL, OR DEPLOYMENT OF CHEMICAL AGENTS. DEPLOYMENT OF CHEMICAL MUNITIONS IS SUBJECT TO ADDITIONAL RESTRICTIONS, WHICH PROVIDE FOR REVIEW BY THE SECRETARY OF STATE AND NOTIFICATION OF THE COUNTRY WHERE THE MUNITIONS ARE TO BE DEPLOYED. THE PRESIDENT MAY SUSPEND THE RESTRICTIONS ON TRANSPORTATION AND DEPLOYMENT OF CHEMICAL MUNITIONS DURING DECLARED WAR OR NATIONAL EMERGENCY.

F. MILITARY REGULATIONS CONCERNING CHEMICAL AND BIOLOGICAL WEAPONS PROVIDE FOR IMPLEMENTATION OF THE NATIONAL POLICY SPELLED OUT UNDER ITEM C ABOVE. THAT IS, CHEMICAL AGENTS MAY BE USED ONLY IN RETALIATION TO FIRST USE OF CHEMICAL WEAPONS AGAINST US FORCES. EMPLOYMENT EVEN IN RETALIATION, OR RELEASE TO ALLIED

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FORCES, REQUIRES PRESIDENTIAL APPROVAL. MILITARY REGULATIONS PROVIDE THAT THERE WILL BE NO USE OF BIOLOGICAL AND TOXIN WEAPONS BY US FORCES UNDER ANY CIRCUMSTANCES, NOT EVEN IN RETALIATION FOR AN ENEMY BIOLOGICAL ATTACK. NO US CAPABILITY TO USE BIOLOGICAL AND TOXIN WEAPONS EXISTS.

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